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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,818	02/08/2001	Edlis Ofir	P-3309-US	7716
27130	7590	03/30/2005	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			GHULAMALI, QUTBUDDIN	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/778,818

Applicant(s)

OFIR ET AL.

Examiner

Qutub Ghulamali

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Acknowledgment*

1. This Office Action is responsive to the Amendment filed on 10/25/2004.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

The rejection (s) based on newly discovered art follows.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-8, 10, 11, 13, 15, 16, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Challa et al (US Patent 6,453,181).

Regarding claims 1, 10, 15 Challa discloses a method and an apparatus comprising:

performing processing operations at a first clock rate during at least part of a first time period in which signals are received and stored by a Radio Frequency module (abstract; col. 4, lines 20-24; col. 6, lines 10-14) and performing background processing operations at a second faster clock rate during a second time period in which said Radio Frequency module is de-activated (col. 1, lines 43-54; col. 2, lines 18-22; col. 5, lines 40-55).

As per claim 3, Challa discloses use of CDMA processing of signals in wireless communication system (col. 1, lines 15-25).

Regarding claim 4, Challa discloses performing at least one of synchronizing pseudorandom noise (PN) offset of said received signals, searching for at least one neighboring communications cell and searching for at least one candidate communications cell (col. 3, lines 7-10; col. 4, lines 46-59; col. 9, lines 17-25).

As per claim 5, Challa discloses detecting a current pseudorandom noise (PN) offset of said received signals, and, if different from a previous PN offset, shifting to the current PN offset (col. 2, lines 37-46).

Regarding claim 6, Challa discloses receiving a-carrier during at least part of said second time period (col. 2, lines 37-48).

With reference to claim 7, Challa discloses receiving said received signals in at least one wake period of a slotted mode (col. 2, lines 33-46).

As per claim 8, Challa discloses reducing the power consumed during said at least one wake period after receiving said received signals (col. 2, lines 17-40; col. 3, lines 1-10).

Regarding claims 11 and 16, Challa discloses a memory device adapted for storing therein said portion of received signals, and said processor comprises a digital processing unit, wherein said memory device is adapted to input said portion of received signals to said digital processing unit- (col. 10, lines 12-38).

As per claims 13 and 18, Challa further discloses sampling adapted to receive portion of received signals and to input portion of received signals to memory device (col. 6, lines 9-23).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2, is rejected under 35 U.S.C. 103(a) as being unpatentable over Challa et al (US Patent 6,453,181) in view of Tiedemann, Jr. et al (US Patent 5,392,287).

Regarding claim 2, Challa discloses every feature of the claimed invention, but is silent regarding background process operation comprise processing spread spectrum signals. Tiedemann in the same field of endeavor discloses background process operation (scheduled communication) uses spread spectrum communication signals. It would, therefore, have been obvious to one of ordinary skill in the art at the time the invention was made to use the spread spectrum to spread the background processing of signals as taught by Tiedemann in the circuit of Challa so as to transmit signals that allow greater coverage area in a more secure fashion (col. 11, lines 27-29).

7. Claims 12 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Challa et al (US Patent 6,453,181) in view Sih et al (US Patent 6,608,858).

Regarding claims 12 and 17, Challa discloses all limitations of claims 10, 15 highlighted above. Challa though discloses appropriate memory registers for storing said portion of received signals, Challa, however, does not explicitly disclose a rake and search engine, wherein said memory device is adapted to input portion of received signals to said rake receiver and search engine. Sih in a similar field of endeavor discloses a rake receiver and searcher engine (searchers), adapted to input portion of received signals to said rake receiver and search engine (searchers) (col. 3, lines 1-14; col. 4, lines 45-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use rake receiver with searchers for inputting portion of received signals from memory as taught by Sih in the system of Challa so as to improve frequency tracking loop and reduce timing errors (col. 11, lines 27-29).

As per claims 14 and 19, Challa further discloses sampling adapted to receive portion of received signals and to input portion of received signals to memory device (col. 6, lines 9-23).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

Saunders et al (USP 6091703) shows communication system processing that extracts a system clock and timing corrections.

Beshai (USP 2003/0189947) discloses routing an rate control in a universal transfer mode.

Naranjo et al (USP 2003/0076816) shows an automatic route selection system to determine the most cost effective route for the call.

Martin et al (USP 5960039) discloses method and apparatus for an adaptive high speed transmission system.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

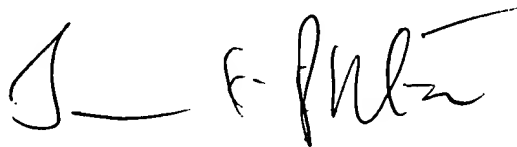
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QG.  
March 22, 2005.



JAY K. PATEL  
SUPERVISORY PATENT EXAMINER